



House of Representatives

General Assembly

File No. 594

January Session, 2015

Substitute House Bill No. 7000

House of Representatives, April 13, 2015

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES, EXAMINATIONS FOR STATE EMPLOYMENT AND STATE WORKERS' COMPENSATION PAYMENTS TO REFERRING PRACTITIONERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-217 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 The Commissioner of Administrative Services shall specify, at the
4 time any candidate list is promulgated, the period during which such
5 list shall remain in force. In no case shall a candidate list remain in
6 force for a period of less than three months or more than one year,
7 [provided] except (1) such period may be extended not more than [one
8 year] two years by the commissioner as appropriate based upon the
9 needs of the state, [except that extensions concerning] and (2)
10 candidate lists for continuous recruitment examinations shall be based
11 on the needs of the service.

12 Sec. 2. Subsection (b) of section 5-219 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective July*
14 *1, 2015*):

15 (b) The commissioner may charge any person not employed by the
16 state a reasonable fee for taking an examination, provided such fee
17 shall not exceed the cost of developing and administering such
18 examination. The commissioner may waive any such fee for any
19 person who applies, in the form and manner prescribed by the
20 commissioner, for a waiver of such fee and demonstrates that he or she
21 is financially unable to pay such fee. [The] Before charging any fees
22 authorized by this subsection, the commissioner shall adopt
23 regulations, in accordance with the provisions of chapter 54, to [carry
24 out the purposes of this subsection] establish reasonable fees.

25 Sec. 3. Section 5-227b of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective July 1, 2015*):

27 (a) Examinations for positions may be waived by the Commissioner
28 of Administrative Services under any of the following conditions: (1)
29 Where the possession of a professional license [,] or degree or
30 satisfactory completion of an accreditation, certificate or licensure
31 program is a mandatory requirement for appointment or promotion to
32 a position in state service; (2) where the appointment or promotion to a
33 job classification that is utilized by a single state agency is limited in
34 number and has few vacancies in the professional or managerial series;
35 (3) when the qualifications for a position within the managerial class
36 are so specialized or unique that an examination for a general job
37 classification would not result in a list of candidates possessing such
38 qualifications and would not be cost effective; or (4) when the number
39 of applicants meeting the minimum qualifications for admission to an
40 announced promotional examination is five or less.

41 (b) If the commissioner has granted a waiver of examination in
42 accordance with subsection (a) of this section, the commissioner may
43 delegate to a department head the authority to recruit for such position
44 [. A] pursuant to a delegation plan, except no delegation plan shall be

45 required for such delegation in the case of a waiver of examination
46 granted pursuant to subdivision (1) of subsection (a) of this section.
47 For waivers of examination granted pursuant to subdivisions (2) to (4),
48 inclusive, of subsection (a) of this section, the department head shall
49 submit a delegation plan to the commissioner, and the commissioner
50 may grant a full or partial delegation [may be granted] to the
51 department head. [under a] The department head shall obtain the
52 commissioner's approval of the delegation plan [that shall be approved
53 in advance by the commissioner] prior to undertaking any recruitment
54 efforts. Any such delegation plan shall (1) include standards for the
55 posting of positions with a minimum time period of not less than one
56 week; (2) specify the manner in which such notice shall be posted; and
57 (3) specify the procedures for accepting and rejecting applicants based
58 upon the minimum required qualifications. Where the department
59 head has identified a candidate suitable for appointment and prior to
60 making a formal or informal offer of employment, such department
61 head shall submit the application, any supporting documentation for
62 such candidate and the applications of such additional candidates such
63 department head deems eligible for appointment to the commissioner
64 for certification that such preferred candidate has met the minimum
65 qualifications of experience and training as set forth in the job
66 specification. Once written certification is granted, the department
67 head may make an offer of employment to the candidate certified by
68 the commissioner.

69 (c) [All] Any recruitments performed by a department head
70 pursuant to this section [shall] may be subject to post audit by the
71 commissioner.

72 Sec. 4. Subsection (b) of section 31-284a of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective July*
74 *1, 2015*):

75 (b) The Commissioner of Administrative Services may exclude from
76 participation in the state workers' compensation managed care
77 program any medical provider found, through a systematic program

78 of utilization review, to exceed generally accepted standards of the
79 scope, duration or intensity of services rendered to patients with
80 similar diagnostic characteristics. [The state shall not make any
81 payment to a facility owned in whole or in part by the referring
82 practitioner.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	5-217
Sec. 2	<i>July 1, 2015</i>	5-219(b)
Sec. 3	<i>July 1, 2015</i>	5-227b
Sec. 4	<i>July 1, 2015</i>	31-284a(b)

Statement of Legislative Commissioners:

In Section 3(b) the first sentence was reworded for clarity.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes several changes to the laws governing examinations for state employment, has no fiscal impact as it conforms law to current practice.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Department of Administrative Services

OLR Bill Analysis**sHB 7000*****AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES, EXAMINATIONS FOR STATE EMPLOYMENT AND STATE WORKERS' COMPENSATION PAYMENTS TO REFERRING PRACTITIONERS.*****SUMMARY:**

This bill makes several changes to the laws governing examinations for state employment. It increases, from one year to two years, the maximum amount of time for which the Department of Administrative Services (DAS) can extend the effective period for a candidate list for state employment. By law, candidate lists are effective for between three months and one year but may be extended by the DAS commissioner based on the state's needs.

The bill prohibits DAS from charging fees for state employment examinations unless the department first adopts regulations establishing reasonable fees. By law, the authority to charge such fees is permissive; DAS currently does not charge them.

By law, if the DAS commissioner waives an examination requirement for a state position, she may delegate to a department head the authority to recruit for that position. Under current law, the department head must conduct the recruitment pursuant to a DAS-approved delegation plan. The bill specifies that such a plan is not necessary for positions that require a professional license, degree, or accreditation for appointment or promotion. The bill also makes DAS audits of delegated recruitments discretionary, rather than mandatory.

Additionally, the bill conforms the workers' compensation for state employees law to current practice by allowing the state to make compensation payments when a practitioner refers a patient to a

facility the practitioner owns in whole or in part. Current law prohibits the state from making payments to such facilities.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Related Bill

sHB 6787 (File 364), reported favorably by the Labor and Public Employees Committee, allows, under certain conditions, candidates for state jobs to use their most recent promotional exam score for the candidate list established for a subsequent examination for the same classification.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 6 (03/25/2015)